

REMARKS

A Supplemental Information Disclosure Statement is submitted herewith.

In the Office Action dated March 29, 2005, claims 2, 3, 5, 15, 17, 22, and 38 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 5,278,890 (Beeson); claim 6 was rejected under § 103 over Beeson in view of U.S. Patent No. 6,711,143 (Balazinski); claims 7, 9, 10, and 13 were rejected under § 103 over Beeson; claim 8 was rejected under § 103 over Beeson in view of U.S. Patent No. 5,974,036 (Acharya); claims 11 and 43 were rejected under § 103 over Beeson in view of U.S. Patent No. 6,469,994 (Ueda); claim 12 was rejected under § 103 over Beeson in view of Ueda and U.S. Patent Application Publication No. 2001/0033563 (Niemela); claim 14 was rejected under § 103 over Beeson in view of U.S. Patent No. 5,487,065 (Acampora); claim 21 was rejected under § 103 over Beeson in view of Niemela; claims 37, 40, and 41 were rejected under § 103 over Beeson in view of U.S. Patent No. 6,490,295 (Agrawal); and claim 42 was rejected under § 103 over Beeson in view of Agrawal and Ueda.

Applicant acknowledges the allowance of claims 25-27, and the indication that claims 4, 16, 18, 20, 23, 24, and 39 would be allowable if rewritten in independent form. Claims 4 and 39 have been rewritten in independent form, with the scope of each claim remaining *unchanged*, to place the claims in condition for allowance.

Claim 38 has been cancelled, without prejudice, to render the rejection of the claim moot.

Independent claim 15 was rejected as being anticipated by Beeson. Claim 15 recites a first system that comprises a communications module adapted to communicate over a packet-switched network coupled to a second system, where the first system is one of a base station and a system controller and a second system is another one of the base station and the system controller. The Office Action pointed to column 6, lines 30-37, of Beeson as teaching the packet-switched network recited in claim 15. Note that the cited column 6 passage refers to packet-switching unit (PSU) comprising a plurality of protocol handlers interconnected by a local area network. Protocol handlers are depicted in Fig. 6 of Beeson. The protocol handlers are part of wireless switch modules. The column 6 passage of Beeson indicates that it is the protocol handlers that are interconnected by the local area network. The connection between the mobile switching center and the base station system, as taught by Beeson, is still a virtual circuit connection, not a packet-switched network. *See* Beeson, 9:36-40 (The "SCCP connection (*i.e.*, a

virtual circuit) is temporarily set up between the protocol handler in the WGSN end of the signaling data link and the protocol handler in the BSS"). In fact, the MSC taught in Beeson is a circuit-switched mobile switching center, not a packet-switched mobile switching center. The MSC is thus a traditional wireless switch that allows mobile stations to connect to a circuit-switched PSTN, as illustrated in Fig. 2 of Beeson. There is absolutely no teaching or hint anywhere in Beeson that the connection between the BSS and the MSC can be a packet-switched network. In fact, a person of ordinary skill in the art looking to the teachings of Beeson would clearly understand that the traditional connection between the MSC and the BSS taught by Beeson is a virtual circuit-based connection, not a packet-switched connection.

Therefore, claim 15 is not anticipated by Beeson.

Independent claim 37 was rejected as being obvious over Beeson and Agrawal. With respect to claim 37, the Office Action conceded that Beeson does not disclose paths defined by Internet Protocol addresses in a base station and system controller. 3/29/2005 Office Action at 11. However, the Office Action relied upon Agrawal as teaching the missing elements. *Id.*

It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 37 for at least the reason that no motivation or suggestion existed to combine the teachings of Beeson and Agrawal. As discussed above, the connection between the BSS and MSC, as taught by Beeson, is a traditional connection that is based on a virtual circuit. There existed no suggestion whatsoever of any desirability to incorporate IP-based paths, as taught by Agrawal, into the interface between the BSS and the MSC of Beeson. The MSC is primarily a circuit-switched controller to enable switching between mobile stations and a circuit-switched PSTN. A person of ordinary skill in the art would not have been motivated to apply IP-based paths into the interface between the BSS and the MSC of Beeson. Therefore, no motivation or suggestion existed to combine the teachings of Beeson and Agrawal to achieve the claimed invention. A *prima facie* case of obviousness has therefore not been established with respect to claim 37.

Independent claim 2 has been amended to recite that selecting one of the plurality of paths comprises performing an implicit negotiation in which the path is defined by a source Internet Protocol (IP) address of a message communicated by the base station and by a source IP

address of a message communicated by a system controller. Beeson does not teach such selection of a path defined by IP addresses.

Independent claim 10 was rejected as being obvious over Beeson alone. Claim 10 has been amended to recite that each path between the base station and system controller is defined by an IP address in the base station and an IP address in the system controller. This is clearly not taught or suggested by Beeson.

Independent claim 13 has been similarly amended, and is thus allowable over Beeson.

Independent claim 43 has also been amended to recite paths defined by Internet Protocol addresses of the system controller and base station. As discussed above, Beeson teaches the use of a traditional virtual circuit connection between the MSC and the BSS. Therefore, a person of ordinary skill in the art would not have been motivated to combine the teachings of Beeson with any other teaching relating to IP-based paths. Therefore, claim 43 is allowable over the asserted combination of Beeson and Ueda.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0080US).

Respectfully submitted,

Date: June 24, 2005



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